

CHAPTER 5

RULES OF ENGAGEMENT

REFERENCES

1. CJCSI 3121.01A, Standing Rules of Engagement for U.S. Forces, 15 January 2000.
2. CJCSI 3121.02, *Rules on the Use of Force by DoD Personnel During Military Operations Providing Support to Law Enforcement Agencies Conducting Counterdrug Operations in the United States*, 31 May 2000.
3. DoD Instruction 5210.56, *Use of Deadly Force and the Carrying of Firearms by DoD Personnel Engaged in Law Enforcement and Security Duties*, 25 February 1992.

INTRODUCTION

Rules of Engagement (ROE) are the primary tool used to regulate the use of force, and thereby serve as one of the cornerstones of the Operational Law discipline. The legal factors which serve as a foundation for ROE, that is, customary and conventional law principles regarding the right of self defense and the laws of war, are varied and complex. They do not, however, stand alone: non-legal issues, such as political objectives and military mission limitations, also play an essential role in the construction and application of ROE. As a result of the multidisciplinary reach of ROE, judge advocates play a significant role in their preparation, dissemination, and training. Notwithstanding the import of their role, judge advocates must understand that, ultimately, ROE are the commander's rules—and that those rules must be implemented by the soldier, sailor, airman, or marine who executes the mission.

In order to ensure that ROE are legally and tactically sound, versatile, understandable, and easily executed, both the judge advocate and operators must understand the full breadth of policy, legal, and mission concerns they embrace, and collaborate closely in their development, training, and implementation. Judge advocates must become familiar with mission and operational concepts, force and weapons systems capabilities and constraints, battlefield operating systems, and the Joint Operations Planning and Execution System (JOPES). Operators must familiarize themselves with the international and domestic legal limitations on the use of force and the laws of armed conflict. Above all, judge advocates and operators must talk the same language to provide effective ROE to the fighting forces.

This chapter will provide an overview of basic ROE concepts, survey CJCSI 3121.01A, *Standing Rules of Engagement for U.S. Forces* (SROE), and review the judge advocate's role in the ROE process, while providing unclassified extracts from the SROE and specific operations in order to highlight critical issues and demonstrate effective implementation of ROE.

NOTE: This chapter is NOT intended to be a substitute for the SROE. The SROE is classified SECRET, and there are important concepts within it that may not be reproduced here. The operational lawyer should ensure that he has ready access to the publication. Once he has access, he should read it from cover to cover until he knows it. Judge advocates play such an important role in the ROE process because we are experts in ROE—but you cannot be an expert unless you read the SROE.

OVERVIEW

Definition of ROE. Joint Pub 1-02, *Dictionary of Military and Associated Terms*:

ROE are directives issued by competent military authority to delineate the circumstances and limitations under which its own naval, ground, and air forces will initiate and/or continue combat engagement with other forces encountered.

Purposes of ROE. As a practical matter, ROE perform three functions: (1) Provide guidance from the President and Secretary of Defense to *deployed units* on the use of force; (2) Act as a control mechanism for the transition from peacetime to combat operations (war); and (3) Provide a mechanism to facilitate planning. ROE provide a framework that encompasses national policy goals, mission requirements, and the rule of law.

Political Purposes: ROE ensure that national policy and objectives are reflected in the action of commanders in the field, particularly under circumstances in which communication with higher authority is not possible. For example, in reflecting national political and diplomatic purposes, the ROE may restrict the engagement of certain targets, or the use of particular weapons systems, out of a desire not to antagonize the enemy, tilt world opinion in a particular direction, or as a positive limit on the escalation of hostilities. Falling within the array of political concerns are such issues as the influence of international public opinion, particularly how it is affected by media coverage of a specific operation, the effect of host country law, and the status of forces agreements with the United States (i.e., SOFAs).

Military Purposes: ROE provide parameters within which the commander must operate in order to accomplish his assigned mission:

- ROE provide a ceiling on operations and ensure that U.S. actions do not trigger undesired escalation, i.e., forcing a potential opponent into a “self defense” response.
- ROE may regulate a commander’s capability to influence a military action by granting or withholding the authority to use particular weapons systems by vesting or restricting authority to use certain types of weapons or tactics.
- ROE may also reemphasize the scope of a mission. Units deployed overseas for training exercises may be limited to use of force only in self defense, reinforcing the training rather than combat nature of the mission

Legal Purposes: ROE provide restraints on a commander’s action consistent with both domestic and international law and may, under certain circumstances, impose greater restrictions on action than those required by the law. For many contemporary missions, particularly peace operations, the mission is stated in a document such as a UN Security Council Resolution, e.g., UNSCR 940 in Haiti or UNSCR 1031 in Bosnia. These Security Council Resolutions also detail the scope of force authorized to accomplish the purpose stated therein. Commanders must therefore be intimately familiar with the legal bases for their mission. The commander may issue ROE to reinforce principles of the law of war, such as prohibitions on the destruction of religious or cultural property, and minimization of injury to civilians and civilian property.

CJCS STANDING RULES OF ENGAGEMENT (SECRET)

The new SROE went into effect on 15 January 2000, the result of an all-DoD review and revision of the previous 1994 edition. It provides implementation guidance on the inherent right of self-defense and the application of force for mission accomplishment. It is designed to provide a common template for development and implementation of ROE for the full range of operations, from peace to war.

Applicability. The SROE applies to all U.S. forces responding to military attacks within the United States, and to all military operations outside the United States, unless superseded by other ROE that have been approved by the President or Secretary of Defense. It does not apply to peacetime domestic support operations. CJCSI 3121.02, Rules on the Use of Force by DoD Personnel During Military Operations Providing Support to Law Enforcement Agencies Conducting Counterdrug Operations in the United States, and DoD Instruction 5210.56, Use of Deadly Force and the Carrying of Firearms by DoD Personnel Engaged in Law Enforcement and Security Duties, apply to these operations. It also does not apply to domestic civil disturbances which are covered by the ROE for Operation Garden Plot (see chapter 4 of the Domestic Operational Law Handbook, CLAMO) or to disaster assistance (see chapter 5 of the Domestic Operational Law Handbook).

Responsibility. The President and Secretary of Defense approve all ROE for US forces. The J-3 (Current Operations) is responsible for ROE maintenance. Each geographic CINC is given the authority to promulgate theater specific ROE, after approval from the President and Secretary of Defense.

Purpose. The purpose is twofold: 1) provide implementation guidance on the application of force for mission accomplishment and 2) ensure the proper exercise of the inherent right of self-defense. The SROE outline the parameters of the inherent right of self-defense in Enclosure A. The rest of the document establishes rules and procedures for implementing supplemental ROE. These supplemental ROE apply only to mission accomplishment and do not limit a commander's use of force in self-defense.

The SROE is divided as follows:

Enclosure A (Standing Rules of Engagement): This unclassified enclosure details the general purpose, intent, and scope of the SROE, emphasizing a commander's right and obligation to use force in self defense. Critical principles, such as unit, individual, national, and collective self-defense; hostile act and intent; and the determination to declare forces hostile are addressed as foundational elements of all ROE. [NOTE: The unclassified portion of the SROE, including Enclosure A without its appendices, is reprinted as Appendix A to this Chapter].

Key Definitions / Issues:

Self Defense: The SROE do not limit a commander's inherent authority and obligation to use all necessary means available and to take all appropriate action in self-defense of the commander's unit and other U.S. forces in the vicinity.

National self defense: The act of defending the United States, U.S. forces, and in certain circumstances, U.S. citizens and their property, and U.S. commercial assets from a hostile act, hostile intent, or hostile force.

Collective self defense. The act of defending designated non-U.S. citizens, forces, property, and interests from a hostile act or hostile intent. Only the PRESIDENT OR SECRETARY OF DEFENSE may authorize the exercise of collective self defense. Collective self defense is generally implemented during combined operations.

Unit self defense: The act of defending elements or personnel of a defined unit, as well as U.S. forces in the vicinity thereof, against a hostile act or hostile intent.

Individual self defense. The right to defend oneself and other U.S. forces in the vicinity from a hostile act or hostile intent. This is a subset of unit self-defense and an individual's exercise of the right to self-defense **must remain consistent with lawful orders of their superiors, the rules contained in the SROE, and other applicable rules of engagement promulgated for the mission or AOR.**

Defense of Mission & Self Defense: The SROE distinguish between the right and obligation of self-defense, and the use of force for the accomplishment of an assigned mission. Authority to use force in mission accomplishment may be limited in light of political, military or legal concerns, **but such limitations have NO impact on a commander's right and obligation of self-defense.**

Hostile Act: An attack or other use of force by a foreign force or terrorist unit against the United States, U.S. forces, or other designated persons and property, or a use of force intended to preclude or impede the mission of U.S. forces. A hostile act triggers the right to use *proportional force* in self defense to deter, neutralize, or destroy the threat.

Hostile Intent: The threat of imminent use of force by a foreign force or terrorist unit against the United States, U.S. forces, or other designated persons and property. When hostile intent is present, the right exists to use *proportional force* in self defense to deter, neutralize, or destroy the threat.

Hostile Force: Any force or unit that has committed a hostile act, demonstrated hostile intent, or has been declared hostile.

Declaring Forces Hostile: Once a force is declared to be "hostile," U.S. units may engage it without observing a hostile act or demonstration of hostile intent, i.e., the basis for engagement shifts from conduct to status. The authority to declare a force hostile is limited, and may be found at Appendix A to Enclosure A of the SROE.

Enclosures B-I: These classified enclosures provide general guidance on specific types of operations: Maritime, Air, Land, and Space Operations; Information Operations; Noncombatant Evacuation Operations, Counterdrug Support Operations; and Domestic Support Operations.

Enclosure J (Supplemental Measures): Supplemental measures found in this enclosure enable a commander to obtain or grant those additional authorities necessary to accomplish an assigned mission. Tables of supplemental measures are divided into those actions requiring President or Secretary of Defense approval, those that require either President or Secretary of Defense approval or Combatant Commander approval, and those that are delegated to subordinate commanders (though the delegation may be withheld by higher authority). The new SROE now recognizes a fundamental difference between the supplemental measures. Those measures that are reserved to the President or Secretary of Defense or CINC are generally **restrictive**, that is, either the President or Secretary of Defense or CINC must specifically permit the particular operation, tactic, or weapon before a field commander may utilize them. Contrast this with the remainder of the supplemental measures, those delegated to subordinate commanders. These measures are all **permissive** in nature, *allowing a commander to use any weapon or tactic available and to employ reasonable force to accomplish his mission*, without having to get permission first. Inclusion within the subordinate commanders supplemental list does not suggest that a commander needs to seek authority to use any of the listed items. *SUPPLEMENTAL ROE RELATE TO MISSION ACCOMPLISHMENT, NOT TO SELF DEFENSE, AND NEVER LIMIT A COMMANDER'S INHERENT RIGHT AND OBLIGATION OF SELF DEFENSE.*

Supplemental measure request and authorization formats are contained in Appendix F to Enclosure J. Consult the formats before requesting or authorizing supplemental measures.

Enclosure K (Combatant Commanders' Theater-Specific ROE): Enclosure K contains specific rules of engagement submitted by Combatant Commanders for use within their Area of Responsibility (AOR). Those special ROE address specific strategic and political sensitivities of the Combatant Commander's AOR and must be approved by CJCS. They are included in the SROE as a means to assist commanders and units participating in operations outside their assigned AORs. To date, two CINCs have received approval of and promulgated theater-specific ROE, CENTCOM and PACOM. Their theater-specific ROE can be found at: CENTCOM – <http://www.centcom.smil.mil/ccj3/ops2.htm>; PACOM – <http://www.hq.pacom.smil.mil/j06/j06/jo6.htm>. If you anticipate an exercise or deployment into any geographic CINCs AOR, check with the CINC SJA for ROE guidance.

Enclosure L (Rules of Engagement Process): This new, unclassified enclosure (reprinted in Appendix A to this chapter) provides guidelines for incorporating ROE development into military planning processes. It introduces the ROE Planning Cell, which may be utilized during the development process. It also names the JA as the “principal assistant” to the J-3 or J-5 in developing and integrating ROE into operational planning.

MULTINATIONAL ROE

US forces will often conduct operations or exercises in a multinational environment. When that occurs, the multinational ROE will apply **for mission accomplishment** if authorized by the President or Secretary of Defense. If not so authorized, the CJCS SROE apply. In all cases, US forces retain the right to use necessary and proportional force for unit and individual self-defense in response to a hostile act or demonstration of hostile intent.

The US currently has combined ROE (CROE) with a number of nations and is continuing to work on CROE with additional nations. Some CROE may apply to all operations and others only to exercises. Functioning within multinational ROE can present specific legal challenges. Each nation's understanding of what triggers the right to self-defense is often different and will be applied differently across the multinational force. Each nation will have different perspectives on the law of war and will be party to different law of war obligations that will affect their ROE. And ultimately, each nation is bound by its own domestic law and policy that will significantly affect its use of force and ROE.

ROLE OF THE JUDGE ADVOCATE

The judge advocate at all levels plays an important role in the ROE process. The remainder of this chapter will discuss the four major tasks with which the judge advocate will be confronted. Although presented as discrete tasks, the judge advocate may find himself involved with all of them at once.

Determining the current ROE

A judge advocate in an operational unit will typically find himself tasked with briefing the ROE to a commander during the daily operational brief (at least during the first few days of the operation). In preparing his brief, a judge advocate will want to consult the following sources:

- The SROE related to self-defense. The rights and obligations of commanders to defend their units is always applicable, and bears repeating at any ROE briefing. The concepts of hostile act and hostile intent may require additional explanation.
- As applicable, those enclosures of the SROE that deal with the type of operation (e.g., Maritime, Space, or Counterdrug operations).
- Depending on the location of an operation, the combatant commander's special ROE for his AOR, found in Enclosure K.
- The base-line ROE for this particular mission as provided in the OPLAN or as promulgated by separate message.
- Any additional ROE promulgated as the operation evolves or changes, or in response to requests for additional ROE. This is often a challenging area for a judge advocate. During the first few days of an operation, the ROE may be quite fluid. A judge advocate will want to ensure that any ROE message is brought to his immediate attention (close liaison with the JOC/TOC Battle Captain is necessary here). A judge advocate should periodically review the message traffic himself to ensure that no ROE messages were missed, and should maintain close contact with judge advocates at higher levels who will be able to alert him that ROE changes were made or are on the way. Adhering to the rules for serializing ROE messages (appendix F to enclosure J of the SROE) will help judge advocates at all levels determine where the ROE stands.

As the operation matures and the ROE become static, the judge advocate will probably be relieved of his daily briefing obligation. However, ROE should continue to be monitored, and notable changes should be brought to the commander's attention.

Requesting Additional ROE

The SROE provides that commanders at any level may request additional ROE. Commanders must look to their mission tasking and existing ROE when determining courses of action for the mission. The commander may decide that the existing ROE is unclear, or too restrictive, or otherwise unsuitable for his particular mission. In that case, he may request additional ROE.

Although the task of drafting an ROE request message (format for which will be found in appendix F to enclosure J) will often be assigned to the judge advocate, he cannot do it alone: there must be extensive command and operator input. The concept of an "ROE Planning Cell," consisting of representatives from all sections of the command, including the judge advocate, is recognized in Enclosure L of the SROE. Such a cell should prove ideal for the task of drafting an ROE request. The judge advocate, who should have the best grasp of ROE in general and the SROE in particular, will still play a significant advisory role in this process.

Some considerations for drafting an ROE request message:

- Base-line ROE typically are promulgated at the CINC-level and higher, and receive great thought. Be especially careful about requesting supplemental measures that require President or Secretary of Defense approval—these items

have already received the greatest thought. This is not to say that there are no circumstances for which requesting such a measure is appropriate, only that they will be relatively rare.

- In the request message, justify why the supplemental measure is needed. As above, those at higher headquarters who have reviewed the ROE reasonably believe that they have provided the most suitable rules. It is your job to prove otherwise. For example, your unit may have a mission which earlier ROE planners could not have foreseen, and which the ROE do not quite fit. If this circumstance is clearly explained, the approval authority is more likely to approve the request.
- Remember the policy regarding supplemental measures is that they are generally permissive in nature (except for those reserved to the President or Secretary of Defense or CINC). It is not necessary to request authority to use every weapon and tactic available at the unit level: higher headquarters will restrict their use by an appropriate supplemental measure if that is thought necessary. See the discussion in enclosure J of the SROE for more detail.
- Maintain close contact with judge advocates at higher headquarters levels. Remember that ROE requests rise through the chain of command until they reach the appropriate approval authority, but that intermediate commands may disapprove the request. Your liaison may prove instrumental in having close cases approved, and in avoiding lost causes.
- Follow the message format. Although it may seem like form over substance, a properly formatted message indicates to those reviewing it up the chain of command that your command (and you) know the SROE process and should be taken seriously.

Disseminating ROE to subordinate units

Recall that supplemental measures are grouped according to the authority who approves them, and that the last (and largest) group are those which may be delegated to commanders subordinate to the CINC. Rarely will this delegation go below the component commander/JTF level. Therefore, only judge advocates at that level and above will face this task.

The process involves taking what ROE have been provided by higher authority, adding your commander's guidance (within the power delegated to him), and broadcasting it all to subordinate units. To illustrate, CJCS/Joint Staff ROE, reflecting the guidance of the President or Secretary of Defense, are generally addressed to the CINC and Service level. The supported CINC takes those President or Secretary of Defense-approved measures, adds appropriate supplemental measures from the group the CINC may approve, and addresses these to his subordinate commanders, or to a subordinate JTF, as applicable. If the subordinate commander/JTF commander has been delegated the authority to approve certain supplemental measures, he will take the President or Secretary of Defense- and CINC-approved ROE, add any of his own, and distribute his ROE message throughout the rest of the force. To illustrate further, suppose that a JTF commander receives the CINC's ROE, and there is no restriction on indirect, unobserved fire. The JTF commander, however, wants to restrict its use by his forces. The JTF ROE message to the field, therefore, should include the addition of the appropriate supplemental measure restricting unobserved, indirect fire (assuming that this is among the measures for which the JTF commander has been delegated authority).

Accordingly, the drafting of ROE is applicable at each of these levels. As above, however, a judge advocate cannot do it alone. The ROE Planning Cell concept is also appropriate to this task. Some of the considerations applicable include:

- Avoid Strategy and Doctrine. ROE should not be used as a mechanism through which to convey strategy or doctrine. The commander should express his battlefield philosophy through the battle order and his personally communicated guidance to subordinates.
- Avoid Restating the Law of War. ROE should not restate the law of war. Commanders may desire to emphasize an aspect of the law of war that is particularly relevant to a specific operation (e.g., see the DESERT STORM ROE regarding cultural property), but they should not include an extensive discussion of the Hague Regulations and Geneva Conventions.

- **Avoid Tactics.** Tactics and ROE are complimentary, not synonymous. ROE are designed to provide boundaries and guidance on the use of force that are neither tactical control measures nor substitutes for the exercise of the commander's military judgment. Phase lines, control points, and other tactical control measures should not be contained in ROE. These measures belong in the coordinating instructions. Prescribing tactics in ROE only serves to limit flexibility.

- **Avoid Safety-Related Restrictions.** ROE should not deal with safety-related restrictions. Certain weapons require specific safety-related, pre-operation steps. These should not be detailed in the ROE, but may appear in the tactical or field SOP.

- **ROE must be UNDERSTANDABLE, MEMORABLE, and APPLICABLE:** ROE are useful and effective only when understood, remembered, and readily applied under stress. They are directive in nature and should avoid excessively qualified language. ROE must be tailored to both the unit and mission and must be applicable in a wide range of circumstances presented in the field. Well formulated ROE anticipate the circumstances of an operation and provide unambiguous guidance to a soldier, sailor, airman and marine before he confronts a threat.

Promulgation of ROE: Mission ROE are promulgated at Appendix 8, Annex C, of JOPES-formatted Operational Orders, and via formatted messages as found at Appendix F to Enclosure J of the SROE (discussed above).

- Once again, follow the message format

Training ROE

Once the mission specific ROE are received, the question becomes, "How can I as a judge advocate help to ensure that the troops understand the ROE and are able to apply the rules reflected in the ROE?" A judge advocate can play a significant role in assisting in the training of individual soldiers and the staff and leaders of the Battlefield Operating Systems (BOS).

It is the commander, not a judge advocate, who is responsible for training the soldiers assigned to the unit on the ROE and on every other mission essential task. The commander normally turns to the staff principal for training, the G3 or S3, to plan and coordinate all unit training. A judge advocate's first task may be to help the commander see the value in organized ROE training. If the commander considers ROE training to be a "battle task," that is, a task that a subordinate command must accomplish in order for the command to accomplish its mission, it is more likely that junior leaders will see the advantages of ROE training. The G3 or S3 is more likely to be willing to set aside training time for ROE training if it can be accomplished in conjunction with other unit training. The task for the JA is to help the commander and staff realize that ROE is not a discreet subject but one that pervades all military operations and is best trained in conjunction with other skill training. It is only through integrated training where soldiers are practicing their skills in an ROE sensitive environment that true training on ROE issues will occur.

There is little U.S. Army doctrine on how to specifically train soldiers on the SROE or on the mission-specific ROE. However, given that ROE are intended to be a control mechanism for operations in the field, there can be no substitute for individual and collective training programs. Realistic, rigorous scenario or vignette driven training exercises have been validated time and again, and proven to be far superior to classroom instruction on ROE. ROE training should be conducted by the soldiers' NCOs and officers. The soldier will apply the ROE with his or her NCOs and officers, not with the judge advocate. The judge advocate should be willing to assist in drafting realistic training, and to be present when possible to observe training and to answer questions regarding the application of the ROE. If the soldiers at the squad and platoon level study and train to the ROE, they will be more likely to apply them as a team in the real world.

Training should begin with individual discussions between the soldier and the NCOs, on a one-on-one or small group basis. A soldier should be able to articulate the meaning of the terms hostile force, hostile act, hostile intent, and other key ROE principals. Once each soldier in the squad is capable of doing this, the squad should be put through an ROE lane, or Situational Training Exercise (STX). The ROE training should not be done in a vacuum. For the greatest value, the STX lane should be centered around a task that soldiers will perform during the mission or exercise. This involves the creation of a plausible scenario a soldier and his squad may face related to the SROE or the relevant mission specific ROE. Soldiers move through the lane as a squad and confront role players acting out the scenario. For example, if the

soldiers are preparing to deploy on a peacekeeping mission, the STX scenario may call for them to operate a roadblock or checkpoint. A group of paramilitary role players could approach the checkpoint in a non-threatening manner. As the scenario progresses, the role players may become more agitated and eventually they may begin shooting at the peacekeepers.

The goal in STX training is primarily to help the soldiers to recognize hostile acts and hostile intent and the appropriate level of force to apply in response. These concepts can usually best be taught by exposing the soldiers to varying degrees of threats of force. For example, in some lanes, the threat may be verbal abuse only. It may then progress to spitting, or physical attacks short of a threat to life or limb. Finally, significant threats of death or grievous bodily harm may be incorporated such as an attack on the soldier with a knife or club, or with a firearm. Although not specifically in the ROE, the soldiers might be taught that an immediate threat of force likely to result in death, or grievous bodily harm (such as the loss of limb or vital organs, or broken bones) is the type of hostile intent justifying a response with deadly force. They should be taught to understand that even in cases where deadly force is not authorized, they may use force short of deadly force in order to defend themselves and property.

In most military operations other than war, deadly force is not authorized to protect property that is not mission essential. However, some degree of force is authorized to protect non-mission essential property. A lane may be established where a role player attempts to steal some MREs. The soldier must understand that non-deadly force is authorized to protect the property. Moreover, if the role player suddenly threatens the soldier with deadly force to take the non-essential property, the soldier should be taught that deadly force would be authorized in response, not to prevent theft, but to defend him from the threat by the role player. Once they understand what actions they can take to defend themselves, members of their unit, and property, the mission specific ROE should be consulted and trained on the issue of third party defense of others.

Not only should the soldiers be trained on the ROE, but the staff and BOS elements should be trained as well. This can best be accomplished in FTXs and CPXs. Prior to a real world deployment, ROE integration and synchronization should be conducted to ensure that all BOS elements understand the ROE and how each system will apply the rules. The judge advocate should ensure that the planned course of action in terms of the application of the ROE is consistent with the ROE.

POCKET CARDS:

ROE cards are a summary or extract of **mission specific** ROE. Developed as a clear, concise and UNCLASSIFIED distillation of the ROE, they serve as both a training and memory tool; however, ROE CARDS ARE NOT A SUBSTITUTE FOR ACTUAL KNOWLEDGE OF THE ROE. In fact, the most effective distribution plan for the ROE card is probably as a diploma from attending ROE training. When confronted with a crisis in the field, the soldier, sailor, airman or marine will not be able to consult his pocket card—he must depend upon principles of ROE internalized during the training process. Notwithstanding that limitation, ROE cards are a particularly useful tool when they conform to certain parameters:

- Brevity and clarity. Use short sentences and words found in the common vocabulary. Avoid using unusual acronyms or abbreviations. Express only one idea in each sentence, communicating the idea in a active, imperative format. Although such an approach—the classic “bullet” format—may not be possible in every case, it should be used whenever feasible.
- Avoid qualified language. ROE are directives, advising subordinates of the commander’s desires and mission plan. They should, therefore, be as direct as any other order issued by the commander. While qualifying language may obscure meaning, its use is often necessary to convey the proper guidance. In such a case, the drafter should use separate sentences or subparagraphs to assure clarity of expression.
- Tailored to the Audience. ROE cards are intended for the widest distribution possible—ultimately, they will be put in the hands of an individual soldier, sailor, airman, or marine. Be aware of the sophistication level of the audience and draft the card accordingly. ALWAYS REMEMBER, ROE are written for commanders, their subordinates, and the individual service member charged with executing the mission on the ground—they are not an exercise in lawyering.

- Keep the Card mission specific. Though the commander may want to reinforce a few law of war principles in conjunction with ROE, the purpose of the card is to remind soldiers of mission specific issues that are not part of his regular ROE training plan, but are specific to this particular mission. For example, items which normally should be on the ROE card include: 1) any forces that are declared hostile, 2) any persons or property that should or may be protected with up to deadly force, and 3) detention issues, including circumstances authorizing detention and the procedures to follow once someone is detained.

NOTE: Examples of ROE cards employed in various missions—from peacekeeping to combat—are found at Appendix B of this chapter. These are not “go-bys,” but are intended to provide a frame of reference for the command/operations/judge advocate team as they develop similar tools for assigned operations.



CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION

J-3
DISTRIBUTION: A, C, S

CJCSI 3121.01A
15 January 2000

STANDING RULES OF ENGAGEMENT FOR U.S. FORCES

Reference: See Enclosure M.

1. Purpose. This instruction establishes:

- a. SecDef-approved standing rules of engagement (SROE) that implement the inherent right of self-defense and provide guidance for the application of force for mission accomplishment.
- b. Fundamental policies and procedures governing action to be taken by U.S. force commanders during all military operations and contingencies as specified in paragraph 3.

2. Cancellation. CJCSI 3121.01, 1 October 1994, is canceled.

3. Applicability. ROE apply to U.S. forces during military attacks against the United States and during all military operations, contingencies, and terrorist attacks occurring outside the territorial jurisdiction of the United States. The territorial jurisdiction of the United States includes the 50 states, the Commonwealths of Puerto Rico and Northern Marianas, U.S. possessions, and U.S. territories.

- a. Peacetime operations conducted by the U.S. military within the territorial jurisdiction of the United States are governed by use-of-force rules contained in other directives or as determined on a case-by-case basis for specific missions (see paragraph 4 of Enclosure H and Enclosure I).

- b. Inclusion of NORAD. For purposes of this document, the Commander, U.S. Element NORAD, will be referred to as a CINC.

4. Policy. See Enclosure A.

**Note: The pagination
of these extracts do not
match the SROE.**

15 January 2000

5. Definitions. Definitions are contained in the enclosures and the Glossary.
6. Responsibilities. The PRESIDENT OR SECRETARY OF DEFENSE approve ROE for U.S. forces. The Joint Staff, Joint Operations Division (J-3), is responsible for the maintenance of these ROE.
- a. The CINCs may augment these SROE as necessary to reflect changing political and military policies, threats, and missions specific to their areas of responsibility (AORs). When a CINC's theater-specific ROE modify these SROE, they will be submitted to Chairman of the Joint Chiefs of Staff for PRESIDENT OR SECRETARY OF DEFENSE approval, if required, and referenced in Enclosure K of this instruction.
 - b. Commanders at every echelon are responsible for establishing ROE for mission accomplishment that comply with ROE of senior commanders and these SROE. The SROE differentiate between the use of force for self-defense and for mission accomplishment. Commanders have the inherent authority and obligation to use all necessary means available and to take all appropriate actions in the self-defense of their unit and other U.S. forces in the vicinity. ROE supplemental measures apply only to the use of force for mission accomplishment and do not limit a commander's use of force in self-defense (see Enclosure A for amplification).
 - c. The two types of supplemental measures are -- those that authorize a certain action and those that place limits on the use of force for mission accomplishment. Some actions or weapons must be authorized either by the PRESIDENT OR SECRETARY OF DEFENSE or by a CINC. In all other cases, commanders may use any lawful weapon or tactic available for mission accomplishment unless specifically restricted by an approved supplemental measure. Any commander may issue supplemental measures that place limits on the use of force for mission accomplishment (see Enclosure J for amplification).
 - d. The CINCs distribute these SROE to subordinate commanders and units for implementation.
7. Procedures. Guidance for the use of force for self-defense and mission accomplishment is set forth in this document. Enclosure A, minus appendixes, is UNCLASSIFIED and intended to be used as a coordination tool with U.S. allies for the development of combined or multinational ROE consistent with these SROE. The supplemental measures list in Enclosure J is organized by authorization level to facilitate quick reference during crisis planning. As outlined in paragraph 6 above, the CINCs will submit theater-specific SROE for reference in this instruction to facilitate theater-to-theater coordination.

8. Releasability. This instruction is approved for limited release. DOD components (to include the combatant commands) and other Federal agencies may obtain copies of this instruction through controlled Internet access only (limited to .mil and .gov users) from the CJCS Directives Home Page--<http://www.dtic.mil/doctrine/jel.htm>. The Joint Staff activities may access or obtain copies of this instruction from the Joint Staff LAN.

9. Effective Date. This instruction is effective upon receipt for all U.S. force commanders and supersedes all other nonconforming guidance.

10. Document Security. This basic instruction is UNCLASSIFIED. Enclosures are classified as indicated.

HENRY H. SHELTON

Chairman

of the Joint Chiefs of Staff

Enclosures:

- A -- Standing Rules of Engagement for U.S. Forces
 - Appendix A - Self-Defense of U.S. Nationals and Their Property at Sea
 - Appendix B - Recovery of U.S. Government Property at Sea
 - Appendix C - Protection and Disposition of Foreign Nationals in the Custody of U.S. Forces
- B -- Maritime Operations
- C -- Air Operations
- D -- Land Operations
- E -- Space Operations
- F -- Information Operations
- G -- Noncombatant Evacuation Operations
- H -- Counterdrug Support Operations

- I -- Domestic Support Operations
- J -- Supplemental Measures
 - Appendix A - General Supplemental Measures
 - Appendix B - Supplemental Measures for Maritime Operations
 - Appendix C - Supplemental Measures for Air Operations
 - Appendix D - Supplemental Measures for Land Operations
 - Appendix E - Supplemental Measures for Space Operations
 - Appendix F - Message Formats and Examples
- K -- Combatant Commander's Theater-Specific ROE
- L -- Rules of Engagement Process
- M -- References
- GL-- Glossary

ENCLOSURE A

STANDING RULES OF ENGAGEMENT FOR U.S. FORCES

1. Purpose and Scope

a. The purpose of these SROE is to provide implementation guidance on the application of force for mission accomplishment and the exercise of the inherent right and obligation of self-defense. In the absence of superseding guidance, the SROE establish fundamental policies and procedures governing the actions to be taken by U.S. force commanders in the event of military attack against the United States and during all military operations, contingencies, terrorist attacks, or prolonged conflicts outside the territorial jurisdiction of the United States, including the Commonwealths of Puerto Rico and Northern Marianas, U.S. possessions, and U.S. territories. To provide uniform training and planning capabilities, this document is authorized for distribution to commanders at all levels and is to be used as fundamental guidance for training and directing their forces.

b. Except as augmented by supplemental ROE for specific operations, missions, or projects, the policies and procedures established herein remain in effect until rescinded.

c. U.S. forces operating with multinational forces:

(1) U.S. forces assigned to the operational control (OPCON) or tactical control (TACON) of a multinational force will follow the ROE of the multinational force for mission accomplishment if authorized by the PRESIDENT OR SECRETARY OF DEFENSE. U.S. forces always retain the right to use necessary and proportional force for unit and individual self-defense in response to a hostile act or demonstrated hostile intent.

(2) When U.S. forces, under U.S. OPCON or TACON, operate in conjunction with a multinational force, reasonable efforts will be made to effect common ROE. If such ROE cannot be established, U.S. forces will operate under these SROE. To avoid misunderstanding, the multi-national forces will be informed prior to U.S. participation in the operation that U.S. forces intend to operate under these SROE and to exercise unit and individual self-defense in response to a hostile act or demonstrated hostile intent. For additional guidance concerning peace operations, see Appendix A to Enclosure A.

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Enclosure A

(3) Participation in multinational operations may be complicated by varying national obligations derived from international agreements: e.g., other coalition members may not be parties to treaties that bind the United States, or they may be bound by treaties to which the United States is not a party. U.S. forces remain bound by U.S. international agreements even if the other coalition members are not parties to these agreements and need not adhere to the terms.

d. Commanders of U.S. forces subject to international agreements governing their presence in foreign countries (e.g., Status of Forces Agreements) retain the inherent authority and obligation to use all necessary means available and take all appropriate actions for unit self-defense.

e. U.S. forces in support of operations not under OPCON or TACON of a U.S. CINC or that are performing missions under direct control of the PRESIDENT OR SECRETARY OF DEFENSE, Military Departments, or other-USG departments or agencies (e.g., Marine Security Guards, certain special security forces) will operate under use-of-force policies or ROE promulgated by those departments or agencies. U.S. forces, in these cases, retain the authority and obligation to use all necessary means available and to take all appropriate actions in unit self-defense in accordance with these SROE.

f. U.S. Naval units under USCG OPCON or TACON conducting law enforcement support operations will follow the use-of-force and weapons policy issued by the Commandant, USCG, but only to the extent of use of warning shots and disabling fire per 14 USC 637 (reference w). DOD units operating under USCG OPCON or TACON retain the authority and obligation to use all necessary means available and to take all appropriate actions in unit self-defense in accordance with these SROE.

g. U.S. forces will comply with the Law of War during military operations involving armed conflict, no matter how the conflict may be characterized under international law, and will comply with its principles and spirit during all other operations.

2. Policy

a. **These rules do not limit a commander's inherent authority and obligation to use all necessary means available and to take all appropriate actions in self-defense of the commander's unit and other U.S. forces in the vicinity.**

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Enclosure A

b. The goal of U.S. national security policy is to preserve the survival, safety, and vitality of our nation and to maintain a stable international environment consistent with U.S. national interests. U.S. national security interests guide global objectives of deterring and, if necessary, defeating armed attack or terrorist actions against the United States to include U.S. forces and, in certain circumstances, U.S. nationals and their property, U.S. commercial assets, persons in U.S. custody, designated non-U.S. forces, and foreign nationals and their property.

3. Intent. These SROE are intended to:

a. Implement the right of self-defense, which is applicable worldwide to all echelons of command.

b. Provide guidance governing the use of force consistent with mission accomplishment.

c. Be used in peacetime operations other than war, during transition from peacetime to armed conflict or war, and during armed conflict in the absence of superseding guidance.

4. CINCs' Theater-Specific ROE

a. CINCs may augment these SROE as necessary as delineated in subparagraph 6a of the basic instruction.

b. CINCs will distribute these SROE to subordinate commanders and units for implementation. The mechanism for disseminating ROE supplemental measures is set forth in Enclosure J.

5. Definitions

a. Inherent Right of Self-Defense. A commander has the authority and obligation to use all necessary means available and to take all appropriate actions to defend that commander's unit and other US forces in the vicinity from a hostile act or demonstration of hostile intent. Neither these rules, nor the supplemental measures activated to augment these rules, limit this inherent right and obligation. At all times, the requirements of necessity and proportionality, as amplified in these SROE, will form the basis for the judgment of the on-scene commander (OSC) or individual as to what constitutes an appropriate response to a particular hostile act or demonstration of hostile intent.

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Enclosure A

b. National Self-Defense. Defense of the United States, U.S. forces, and, in certain circumstances, U.S. nationals and their property, and/or U.S. commercial assets. National self-defense may be exercised in two ways: first, it may be exercised by designated authority extending protection against a hostile act or demonstrated hostile intent to U.S. nationals and their property, and/or designated U.S. commercial assets [in this case, U.S. forces will respond to a hostile act or demonstrated hostile intent in the same manner they would if the threat were directed against U.S. forces]; second, it may be exercised by designated authority declaring a foreign force or terrorist(s) hostile [in this case, individual U.S. units do not need to observe a hostile act or determine hostile intent before engaging that force or terrorist(s)].

c. Collective Self-Defense. The act of defending designated non-U.S. forces, and/or designated foreign nationals and their property from a hostile act or demonstrated hostile intent. Unlike national self-defense, the authority to extend U.S. protection to designated non-U.S. forces, foreign nationals and their property may not be exercised below the PRESIDENT OR SECRETARY OF DEFENSE level. Similar to unit self-defense and the extension of U.S. forces protection to U.S. nationals and their property and/or commercial assets, the exercise of collective self-defense must be based on an observed hostile act or demonstrated hostile intent.

d. Unit Self-Defense. The act of defending a particular U.S. force element, including individual personnel thereof, and other U.S. forces in the vicinity, against a hostile act or demonstrated hostile intent.

e. Individual Self-Defense. The inherent right to use all necessary means available and to take all appropriate actions to defend oneself and U.S. forces in one's vicinity from a hostile act or demonstrated hostile intent is a unit of self-defense. Commanders have the obligation to ensure that individuals within their respective units understand and are trained on when and how to use force in self-defense.

f. Elements of Self-Defense. Application of force in self-defense requires the following two elements:

(1) Necessity. Exists when a hostile act occurs or when a force or terrorists exhibits hostile intent.

(2) Proportionality. Force used to counter a hostile act or demonstrated hostile intent must be reasonable in intensity, duration, and magnitude to the perceived or

demonstrated threat based on all facts known to the commander at the time (see Glossary for amplification).

g. Hostile Act. An attack or other use of force against the United States, U.S. forces, and, in certain circumstances, U.S. nationals, their property, U.S. commercial assets, and/or other designated non-U.S. forces, foreign nationals and their property. It is also force used directly to preclude or impede the mission and/or duties of U.S. forces, including the recovery of U.S. personnel and vital U.S. Government property (see Glossary for amplification).

h. Hostile Intent. The threat of imminent use of force against the United States, U.S. forces, and in certain circumstances, U.S. nationals, their property, U.S. commercial assets, and/or other designated non-U.S. forces, foreign nationals and their property. Also, the threat of force to preclude or impede the mission and/or duties of U.S. forces, including the recovery of U.S. personnel or vital USG property (see Glossary for amplification).

i. Hostile Force. Any civilian, paramilitary, or military force or terrorist(s), with or without national designation, that has committed a hostile act, exhibited hostile intent, or has been declared hostile by appropriate U.S. authority.

6. Declaring Forces Hostile. Once a force is declared hostile by appropriate authority, U.S. units need not observe a hostile act or a demonstration of hostile intent before engaging that force. The responsibility for exercising the right and obligation of national self-defense and as necessary declaring a force hostile is a matter of the utmost importance. All available intelligence, the status of international relationships, the requirements of international law, an appreciation of the political situation, and the potential consequences for the United States must be carefully weighed. The exercise of the right and obligation of national self-defense by competent authority is separate from and in no way limits the commander's right and obligation to exercise unit self-defense. The authority to declare a force hostile is limited as amplified in Appendix A of this Enclosure.

7. Authority to Exercise Self-Defense

a. National Self-Defense. The authority to exercise national self-defense is outlined in Appendix A of this Enclosure.

b. Collective Self-Defense. Only the PRESIDENT OR SECRETARY OF DEFENSE may authorize the exercise of collective self-defense.

c. Unit Self-Defense. A unit commander has the authority and obligation to use all necessary means available and to take all appropriate actions to defend the unit, including elements and personnel, or other U.S. forces in the vicinity, against a hostile act or demonstrated hostile intent. In defending against a hostile act or demonstrated hostile intent, unit commanders will use only that degree of force necessary to decisively counter the hostile act or demonstrated hostile intent and to ensure the continued protection of U.S. forces (see subparagraph 8a of this enclosure for amplification).

d. Individual Self-Defense. Commanders have the obligation to ensure that individuals within their respective units are trained on and understand when and how to use force in self-defense.

8. Action in Self-Defense

a. Means of Self-Defense. All necessary means available and all appropriate actions may be used in self-defense. The following guidelines apply for individual, unit, national, or collective self-defense:

(1) Attempt to De-Escalate the Situation. When time and circumstances permit, the hostile force should be warned and given the opportunity to withdraw, or cease threatening actions (see Appendix A of this Enclosure for amplification).

(2) Use Proportional Force -- Which May Include Nonlethal Weapons -- to Control the Situation. When the use of force in self-defense is necessary, the nature, duration, and scope of the engagement should not exceed that which is required to decisively counter the hostile act or demonstrated hostile intent and to ensure the continued protection of U.S. forces or other protected personnel or property.

(3) Attack to Disable or Destroy. An attack to disable or destroy a hostile force is authorized when such action is the only prudent means by which a hostile act or demonstration of hostile intent can be prevented or terminated. When such conditions exist, engagement is authorized only while the hostile force continues to commit hostile acts or exhibit hostile intent.

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Enclosure A

b. Pursuit of Hostile Forces. Self-defense includes the authority to pursue and engage hostile forces that continue to commit hostile acts or exhibit hostile intent.

c. Defending U.S. Nationals, Property, and Designated Foreign Nationals

(1) Within a Foreign Nation's U.S.-Recognized Territory or Territorial Airspace. The foreign nation has the principal responsibility for defending U.S. nationals and property within these areas (see Appendix A of this Enclosure for amplification).

(2) At Sea. Detailed guidance is contained in Appendix A to Enclosure B.

(3) In International Airspace. Protecting civil aircraft in international airspace is principally the responsibility of the nation of registry. Guidance for certain cases of actual or suspected hijacking of airborne U.S. or foreign civil aircraft is contained in CJCSI 3610.01, 31 July 1997, "Aircraft Piracy and Destruction of Derelict Airborne Objects."

(4) In Space. Military or civilian space systems such as communication satellites or commercial earth-imaging systems may be used to support a hostile action. Attacking third party or civilian space systems can have significant political and economic repercussions. Unless specifically authorized by the PRESIDENT OR SECRETARY OF DEFENSE, commanders may not conduct operations against space-based systems or ground and link segments of space systems. Detailed guidance is contained in Enclosure E.

(5) Piracy. U.S. warships and aircraft have an obligation to repress piracy on or over international waters directed against any vessel, or aircraft, whether U.S. or foreign flagged and are authorized to employ all means necessary to repress piratical acts. For ships and aircraft repressing an act of piracy, the right and obligation of self-defense extends to persons, vessels, or aircraft assisted. If a pirate vessel or aircraft fleeing from pursuit proceeds into the territorial sea, archipelagic waters, or superjacent airspace of another country, every effort should be made to obtain the consent of the coastal state prior to continuation of the pursuit.

d. Operations Within or in the Vicinity of Hostile Fire or Combat Zones Not Involving the United States

(1) U.S. forces should not enter, or remain in, a zone in which hostilities (not involving the United States) are imminent or occurring between foreign forces unless directed by proper authority.

(2) If a force commits a hostile act or exhibits hostile intent against U.S. forces in a hostile fire or combat zone, the commander is obligated to act in unit self-defense in accordance with SROE guidelines.

e. Right of Assistance Entry

(1) Ships, or under certain circumstances aircraft, have the right to enter a foreign territorial sea or archipelagic waters and corresponding airspace without the permission of the coastal or island state to engage in legitimate efforts to render emergency assistance to those in danger or distress from perils of the sea.

(2) Right of Assistance Entry extends only to rescues where the location of those in danger is reasonably well known. It does not extend to entering the territorial sea, archipelagic waters, or territorial airspace to conduct a search.

(3) For ships and aircraft rendering assistance on scene, the right and obligation of self-defense extends to and includes persons, vessels, or aircraft being assisted. The right of self-defense in such circumstances does not include interference with legitimate law enforcement actions of a coastal nation. However, once received onboard the assisting ship or aircraft, persons assisted will not be surrendered to foreign authority unless directed by the PRESIDENT OR SECRETARY OF DEFENSE.

(4) Further guidance for the exercise of the right of assistance entry is contained in CJCS Instruction 2410.01A, 23 April 1997, "Guidance for the Exercise of Right of Assistance Entry."

ENCLOSURE L

RULES OF ENGAGEMENT PROCESS

1. Purpose and Scope. Developing and implementing effective ROE are critical to mission accomplishment. This enclosure provides guidelines for incorporating ROE development into the crisis action planning (CAP) and deliberate planning processes by commanders and staff at all levels. All supplemental measures not specifically requiring PRESIDENT OR SECRETARY OF DEFENSE or CINC approval (001-199) are available for use by commanders unless expressly withheld by higher authority.

2. ROE Development

a. General. ROE are an operational issue and must directly support the operational concept. Once assigned a mission, the commander and staff must incorporate ROE considerations into mission planning. Operations planning and ROE development are parallel and collaborative processes that require extensive integration and may require development and request of supplemental measures requiring PRESIDENT OR SECRETARY OF DEFENSE or CINC approval for mission accomplishment. The issues addressed throughout the planning process will form the basis for supplemental ROE requests requiring PRESIDENT OR SECRETARY OF DEFENSE or CINC approval in support of a selected course of action (COA). ROE development is a continuous process that plays a critical role in every step of CAP and deliberate planning. Normally, the Director for Operations (J-3) is responsible for developing ROE during CAP while the Director for Strategic Plans and Policies (J-5) develops ROE for deliberate planning. The Staff Judge Advocate (SJA) assumes the role of principal assistant to the J-3 or J-5 in developing and integrating ROE into operational planning.

b. Task Steps. The following steps can be used to assist staffs in developing and implementing ROE during planning.

(1) Mission Analysis

(a) Review the SROE, including the CINC theater-specific ROE contained in Enclosure K.

(b) Review supplemental ROE measures already approved by higher headquarters, and determine existing constraints and restraints.

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Enclosure L

(c) Review higher headquarters planning documents for political, military, and legal considerations that affect ROE. Consider tactical or strategic limitations on the use of force imposed by:

1. Higher headquarters in the initial planning documents.
2. International law, including the UN Charter.
3. U.S. domestic law and policy.
4. HN law and bilateral agreements with the United States.
5. For multinational or coalition operations:
 - a. Foreign forces ROE, NATO ROE, or other use of force policies.
 - b. UN resolutions or other mission authority.

(d) Desired End State. Assess ROE requirements throughout preconflict, deterrence, conflict, and postconflict phases of an operation. ROE should support achieving the desired end state.

(2) Planning Guidance

(a) Review commander's planning guidance for considerations affecting ROE development.

(b) Ensure ROE considerations derived from commander's planning guidance are consistent with those derived from initial planning documents.

(3) Warning Orders. Incorporate instructions for developing ROE in warning orders, as required. Contact counterparts at higher, lower, and adjacent headquarters, and establish the basis for concurrent planning.

(4) COA Development. Determine ROE requirements to support the operational concept of each proposed COA.

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Enclosure L

(5) COA Analysis

(a) Analyze ROE during the wargaming process. In particular, assess each COA to identify any ROE normally retained by a higher echelon (PRESIDENT OR SECRETARY OF DEFENSE, CINC) that must be delegated to subordinate commanders. Identify ROE required by decision and decisive points.

(b) Refine ROE to support synchronizing each phase of proposed COAs.

(6) COA Comparison and Selection. Consider ROE during the COA comparison process.

(7) Commander's Estimate. Identify PRESIDENT OR SECRETARY OF DEFENSE-level ROE required to support recommended COA.

(8) Preparation of Operations Order (OPORD).

(a) Prepare and submit requests for all supplemental ROE measures in accordance with Enclosure A. Normally, the OPORD should not be used to request supplemental measures.

(b) Prepare the ROE appendix of the OPORD in accordance with CJCSM 3122.03 (JOPES Volume II: Planning Formats and Guidance). The ROE appendix may include supplemental ROE measures that are already approved.

(c) Include guidance for disseminating approved ROE. Consider:

1. Developing 'plain language' ROE.
2. Creating ROE cards.
3. Issuing special instructions (SPINS).
4. Distributing ROE to multinational forces or coalitions.
5. Issuing ROE translations (for multinational forces or coalitions).

L-3

Enclosure L

(9) ROE Request and Authorization Process. Commanders will request and authorize ROE, as applicable, in accordance with Enclosure A of this enclosure.

(10) ROE Control. Commanders and their staffs must continuously analyze ROE and recommend modifications required to meet changing operational parameters. The ROE process must anticipate changes in the operational environment and modify supplemental measures to support the assigned mission.

(a) Ensure that only the most current ROE serial is in use throughout the force.

(b) Catalog all supplemental ROE requests and approvals for ease of reference.

(c) Monitor ROE training.

(d) Modify ROE as required. Ensure that a timely, efficient staff process exists to respond to requests for and authorizations of ROE changes.

3. Establish ROE Planning Cell. Commanders may use a ROE Planning Cell to assist in developing ROE. The following guidelines apply:

a. The J-3 or J-5 is responsible for the ROE Planning Cell and, assisted by the SJA, developing supplemental ROE.

b. ROE are developed as an integrated facet of crisis action and deliberate planning and are a product of the Operations Planning Group (OPG) or Joint Planning Group (JPG), or equivalent staff mechanism.

c. ROE Planning Cell can be established at any echelon to refine ROE derived from the OPG or JPG planning and to produce ROE requests and/or authorizations.

(1) The J-3 or J-5 is responsible for the ROE Cell.

(2) The SJA assists the J-3 and J-5.

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Enclosure L

APPENDIX B

SAMPLE ROE CARDS

Peace Enforcement: KFOR (Albania, April 1999)

TASK FORCE HAWK ROE CARD

(The contents of this card are unclassified for dissemination to soldiers)

NOTHING IN THESE RULES PROHIBITS OUR FORCES FROM EXERCISING THEIR INHERENT RIGHT OF SELF DEFENSE.

- 1. AT ALL TIMES, USE NECESSARY FORCE, UP TO AND INCLUDING DEADLY FORCE:**
 - a. In response to an immediate threat of serious bodily injury or death against yourself, other NATO Forces, or the Friendly Forces of other nations.**
 - b. To prevent the immediate theft, damage, or destruction of: firearms, ammunition, explosives or property designated as vital to national security.**
- 2. AT ALL TIMES, USE FORCE LESS THAN DEADLY FORCE:**
 - a. In response to a threat less than serious bodily injury or death against yourself, other NATO Forces, or the Friendly Forces of other nations.**
 - b. To prevent the immediate theft, damage, or destruction of any NATO military property.**
- 3. WHEN THE SITUATION PERMITS, USE A GRADUATED ESCALATION OF FORCE, TO INCLUDE:**
 - a. Verbal warnings to “Halt” or “ndalOHnee”**
 - b. Show your weapons.**
 - c. Show of force to include riot control formations.**
 - d. Non-lethal physical force.**
 - e. If necessary to stop an immediate threat of serious bodily harm or death, engage the threat with deliberately aimed shots until it is no longer a threat.**
- 4. SOLDIERS MAY SEARCH, DISARM, AND DETAIN PERSONS AS REQUIRED TO PROTECT THE FORCE. DETAINEES WILL BE TURNED OVER TO APPROPRIATE HOST NATION AUTHORITIES ASAP.**
- 5. WARNING SHOTS ARE STRICTLY PROHIBITED.**
- 6. TREAT ALL EPWs WITH DIGNITY AND RESPECT. RESPECT THE CULTURAL AND RELIGIOUS BELIEFS OF ALL EPWs.**
- 7. DO NOT RETAIN WAR TROPHIES OR ENEMY SOVENIRS FOR YOUR PERSONAL USE.**
- 8. DO NOT ENTER ANY MOSQUE, OR OTHER ISLAMIC RELIGIOUS SITE UNLESS NECESSARY FOR MISSION ACCOMPLISHMENT AND DIRECTED BY YOUR COMMANDER.**
- 9. IMMEDIATELY REPORT ANY VIOLATIONS OF THE LAW OF WAR, OR THE RULES OF ENGAGEMENT TO YOUR CHAIN OF COMMAND, MPs, CHAPLAIN, IG, OR JAG OFFICER REGARDLESS OF WHETHER FRIENDLY FORCES OR ENEMY FORCES COMMITTED THE SUSPECTED VIOLATION.**
- 10. THE AMOUNT OF FORCE AND TYPE OF WEAPONS USED SHOULD NOT SURPASS THAT AMOUNT CONSIDERED NECESSARY FOR MISSION ACCOMPLISHMENT. MINIMIZE ANY**

KFOR RULES OF ENGAGEMENT FOR USE IN KOSOVO

SOLDIER'S CARD

To be carried at all times.

MISSION. Your mission is to assist in the implementation of and to help ensure compliance with a Military Technical Agreement (MTA) in Kosovo.

SELF-DEFENSE.

- a. You have the right to use necessary and proportional force in self-defense.
- b. Use only the minimum force necessary to defend yourself.

GENERAL RULES.

- a. Use the minimum force necessary to accomplish your mission.
- b. Hostile forces/belligerents who want to surrender will not be harmed. Disarm them and turn them over to your superiors.
- c. Treat everyone, including civilians and detained hostile forces/belligerents, humanely.
- d. Collect and care for the wounded, whether friend or foe.
- e. Respect private property. Do not steal. Do not take "war trophies".
- f. Prevent and report all suspected violations of the Law of Armed Conflict to superiors.

CHALLENGING AND WARNING SHOTS.

- a. If the situation permits, issue a challenge:
 - In **English**: "NATO! STOP OR I WILL FIRE!"
 - Or in **Serbo-Croat**: "NATO! STANI ILI PUCAM!"
 - (Pronounced as: "NATO! STANI ILI PUTSAM!")
 - Or in **Albanian**: "NATO! NDAL OSE UNE DO TE QELLOJ!"
 - (Pronounced as: "NATO! N'DAL OSE UNE DO TE CHILLOY!")
- b. If the person fails to halt, you may be authorized by the on-scene commander or by standing orders to fire a warning shot.

FRONT SIDE

OPENING FIRE.

- a. You may open fire only if you, friendly forces or persons or property under your protection are threatened with deadly force. This means:
 - (1) You may open fire against an individual who fires or aims his weapon at, or otherwise demonstrates an intent to imminently attack you, friendly forces, or Persons with Designated Special Status (PDSS) or property with designated special status under your protection.
 - (2) You may open fire against an individual who plants, throws, or prepares to throw, an explosive or incendiary device at, or otherwise demonstrates an intent to imminently attack you, friendly forces, PDSS or property with designated special status under your protection.
 - (3) You may open fire against an individual deliberately driving a vehicle at you, friendly forces, or PDSS or property with designated special status.
- b. You may also fire against an individual who attempts to take possession of friendly force weapons, ammunition, or property with designated special status, and there is no way of avoiding this.
- c. You may use minimum force, including opening fire, against an individual who unlawfully commits or is about to commit an act which endangers life, in circumstances where there is no other way to prevent the act.

MINIMUM FORCE.

- a. If you have to open fire, you must:
 - Fire only aimed shots; and
 - Fire no more rounds than necessary; and
 - Take all reasonable efforts not to unnecessarily destroy property; and
 - Stop firing as soon as the situation permits.
- b. You may not intentionally attack civilians, or property that is exclusively civilian or religious in character, except if the property is being used for military purposes or engagement is authorized by the commander.

REVERSE SIDE

Armed Conflict: DESERT STORM (Iraq, 1991)

DESERT STORM
RULES OF ENGAGEMENT

ALL ENEMY MILITARY PERSONNEL AND VEHICLES TRANSPORTING THE ENEMY OR THEIR SUPPLIES MAY BE ENGAGED SUBJECT TO THE FOLLOWING RESTRICTIONS:

- A. Do not engage anyone who has surrendered, is out of battle due to sickness or wounds, is shipwrecked, or is an aircrew member descending by parachute from a disabled aircraft.
- B. Avoid harming civilians unless necessary to save U.S. lives. Do not fire into civilian populated areas or buildings which are not defended or being used for military purposes.
- C. Hospitals, churches, shrines, schools, museums, national monuments, and other historical or cultural sites will not be engaged except in self defense.
- D. Hospitals will be given special protection. Do not engage hospitals unless the enemy uses the hospital to commit acts harmful to U.S. forces, and then only after giving a warning and allowing a reasonable time to expire before engaging, if the tactical situation permits.
- E. Booby traps may be used to protect friendly positions or to impede the progress of enemy forces. They may not be used on civilian personal property. They will be recovered and destroyed when the military necessity for their use no longer exists.
- F. Looting and the taking of war trophies are prohibited.
- G. Avoid harming civilian property unless necessary to save U.S. lives. Do not attack traditional civilian objects, such as houses, unless they are being used by the enemy for military purposes and neutralization assists in mission accomplishment.
- H. Treat all civilians and their property with respect and dignity. Before using privately owned property, check to see if publicly owned property can substitute. No requisitioning of civilian property, including vehicles, without permission of a company level commander and without giving a receipt. If an ordering officer can contract the property, then do not requisition it.
- I. Treat all prisoners humanely and with respect and dignity.
- J. ROE Annex to the OPLAN provides more detail. Conflicts between this card and the OPLAN should be resolved in favor of the OPLAN.

REMEMBER

- 1. FIGHT ONLY COMBATANTS.
- 2. ATTACK ONLY MILITARY TARGETS.
- 3. SPARE CIVILIAN PERSONS AND OBJECTS.
- 4. RESTRICT DESTRUCTION TO WHAT YOUR MISSION REQUIRES.

